SUMMARY MEETING REPORT & RECOMMENDATIONS

MARINE FISHERIES ADVISORY COMMITTEE

Silver Spring, MD · September 23-25, 2014

OVERVIEW

The Fall 2014 Marine Fisheries Advisory Committee (MAFAC) meeting took place at the Civic Center in Silver Spring, Maryland and spanned three days from September 23-25, 2014. Assistant Administrator of Fisheries, Eileen Sobeck, and Deputy Assistant Administrators, Paul Doremus and Sam Rauch, attended the meeting. They opened the meeting on the first morning by discussing NOAA Fisheries' primary mission and activities, how MAFAC's past accomplishments have supported this mission, and focused on major priorities for the coming year that they wish to engage MAFAC on. These include being prepared for climate-related changes that are affecting ocean systems and marine species, recovering protected species to healthy populations, and expansion of aquaculture into federal waters. Additionally, Paul Doremus, recognized the outstanding service of four MAFAC members whose terms end in October 2014: Patty Doerr, Martin Fisher, George Nardi, and Dave Wallace. Their service and leadership the past six years has been greatly appreciated by the other MAFAC members and NOAA fisheries.

Over the course of the three-day meeting, MAFAC engaged with NMFS staff to discuss NOAA Fisheries priorities and other topics. Presentations and discussion on these topics were led by the following staff:

- Climate advice and initiation of a new task force – Roger Griffis, Climate Change Coordinator at NOAA Fisheries.
- Collaboration with NMFS on recovery planning – Donna Wieting, Director of the Office of Protected Resources at NOAA Fisheries.
- Recreational fishing policy – Russ Dunn, Senior Recreational Fisheries Advisor at NOAA Fisheries.
- Aquaculture update and future strategic planning – Michael Rubino, Director of the Office of Aquaculture at NOAA Fisheries.
- Cost recovery/cost sharing – Doug Lipton, Senior Scientist for Economics at NOAA Fisheries.

This summary report encompasses the meeting discussions, action items, recommendations, and next steps for MAFAC. A full list of participants is attached in Appendix 1 and the meeting agenda is in Appendix 2. Meeting materials, presentations, transcripts, and recommendations can be found on the MAFAC website here.

DISCUSSIONS

Climate Advice

Roger Griffis provided a presentation on the information known about changing climate conditions; the physical, chemical, and biological impacts we anticipate and that are being recorded now; the fact that many questions remain, especially about species distribution and

abundance; the social, economic, and community impacts we need to manage and plan for; and the need for fisheries and communities to become more resilient in the future.

In response to growing climate challenges, NOAA Fisheries requested that MAFAC consider establishing a Task Force to provide expert advice to MAFAC, and subsequently NOAA Leadership, on the production, delivery and use of climate-related information to help NOAA Fisheries continue to fulfill its mission. The Task Force would help NOAA Fisheries meet information needs, coordinate action, and be a conduit for stakeholder input on these topics.

Most MAFAC members expressed a willingness to fulfill NOAA's request for assistance as well as the need for additional expertise and support to handle the proposed work load. The ensuing discussion of the proposed Climate and Marine Resources Task Force addressed issues such as funding, composition, authority in regard to recommendations produced, and tasks under consideration. NOAA staff recommended it would consist of 12-15 individuals with cross-regional representation and applicable expertise. A few members expressed caution regarding the creation of addition bodies that require management over the long run.

ACTION

MAFAC agreed to create a Climate and Marine Resources Task Force to address the tasks set forth by NMFS:

- *Review and provide input on the draft NOAA Fisheries Climate Science Plan (Fall 2014).*
- *Review and provide a national perspective on regional implementation of this Plan (Spring 2015).*
- *Help identify socioeconomic issues (community impacts) related to climate change and fisheries (Fall 2015 +).*
- *Other topics as needed to help the NOAA Fisheries Service fulfill its mission in a changing climate.*

MAFAC also recommended the following:

- *The Ecosystem Sub-committee Chair, as well as other interested MAFAC members, may sit on the Task Force.*
- *The group will have geographic representation.*
- *MAFAC will have the opportunity to review, comment on, and make recommendations on all documents produced by the task force.*
- *MAFAC will review Regional Plans when they become available.*

The Terms of Reference for the Task Force will be reviewed and approved at a following meeting.

Recovering Protected Species

The recovery and conservation of protected resources is important to foster healthy and sustainable marine resources, habitats, and ecosystems and is one of NOAA Fisheries' primary mandates. Donna Weiting, Director of the Office of Protected Resources, provided an overview of the Endangered Species Act (ESA) and what we do to support species recovery; what the ESA recovery requirements are; how we measure success and what the challenges or barriers to success are; and how she thought MAFAC and NOAA Fisheries could work together to improve recovery success.

Although species recovery is our target, many times, recovery efforts fall short of their goals for multiple reasons, including a lack of partnering with key stakeholders, tribal nations, and

agencies that can influence recovery actions. To help address this situation, NOAA Fisheries requested that MAFAC take two actions: (1) assess and help identify successful recovery actions and (2) expand or build partnerships to facilitate species recovery.

MAFAC agreed to work on these two topics, the Protected Resources Subcommittee developed a 12-month plan to execute the charge, and the full MAFAC body supported their direction. Members Julie Morris, Columbus Brown, Paul Clampitt, and Pam Yochem and met in Subcommittee, along with staff Therese Conant and Heidi Lovett. The details of the plan and additional discussion points from the Protected Resource Subcommittee meeting are:

Proposed 12 month Work Plan

1. Retrospective analysis of recovery actions in recovery plans

- *In conjunction with NOAA staff, develop Terms of Reference for a MAFAC Task Force to conduct a retrospective analysis of recovery actions. The task force will include MAFAC Protected Resource Subcommittee members and NMFS Protected Resources staff.*
- *The initial analysis will examine the recovery actions in up to 6 recovery plans that represent the range of NMFS recovery plans. Recovery actions will be sorted as either "not started," "complete," or "ongoing," and the analysis will characterize the recovery actions in each group, looking for commonalities that could inform future recovery actions.*
- *The outcome of the analysis will be to provide guidance to recovery teams to define the characteristics of successful recovery actions.*
- *The task force will work closely with Protected Resources staff in the regions.*

2. Building partnerships for recovery actions

- *The subcommittee will review the "not started" recovery actions in recovery plans that the subcommittee feels they would be able to provide advice about potential partners and strategies or revisions of actions to provide greater clarity and sense of priority. NMFS Protected Resources staff will be polled to see if these recovery actions match their needs or whether there are other recovery actions that would benefit from the subcommittee's expertise.*

Important points of the discussion were:

- *Not trying to judge the success of recovery, but instead focus on what is working and not working in the implementation of recovery actions.*
- *Recovery plans need interim benchmarks to indicate whether progress is being made toward recovery.*
- *Consider timing when evaluating the implementation of recovery planning. For example, after (1) a threshold analysis of whether a plan is needed at all, NOAA might also need to evaluate (2) when to prepare the recovery plan, and (3) when to implement the various plans. In other words, to recognize budgetary limitations, recovery planning should also set priorities.*
- *NOAA's 2004 recovery guidance document is a reference for defining recovery actions. Protected Resources uses the 1990 written guidance document to set priorities for recovery planning.*
- *A related question is whether the MMPA take reduction team model could be used effectively for NOAA Protected Resources in reducing fisheries bycatch.*
- *Older plans could be reviewed to determine whether their recovery actions are still appropriate. (For example commercial whaling, the original reason for listing, is no longer a threat for most populations of great whales.)*

- *Section 6 recovery grants to states are increasingly aligned with recovery actions in particular recovery plans.*
- *A communications plan is needed to help the public understand the connection between specific recovery actions and incremental progress (i.e., interim benchmarks) toward recovery. Address the perception that recovery actions are out of date or unachievable.*
- *The research permitting process is slow and complicated, and this is having a negative impact on marine mammal science, including collection of data needed to complete some recovery actions.*
- *NMFS is moving away from "ongoing" recovery tasks, where possible, toward discrete tasks that can be accomplished in a timely fashion.*
- *NMFS is conducting a status review of the humpback whale, which is currently listed globally. NMFS also received petitions to list humpback populations in the Pacific as Distinct Population Segments and to delist them. NMFS has also initiated 5-year reviews for the sperm whale and the southern right whale.*
- *Recovery plans may not promote the conservation of some protected resources, and NMFS Protected Resources staff have identified 39 species where recovery plans are not being developed. Perhaps MAFAC could help by offering factors the NMFS should consider in deciding whether the development of a particular recovery plan should be a high or low priority.*
- *MAFAC can help NMFS define factors to guide the decision on whether the limited funding available should be spent on the implementation of a particular recovery plan (or not)*

Recreational Fishing Policy

Developing and finalizing a Recreational Fishing Policy has been a NOAA Fisheries priority since the second Recreational Fisheries Summit this past spring. Russ Dunn, Senior Recreational Fisheries Advisor, noted that after intensive preparation and public engagement, NOAA Fisheries is in the final stages of reviewing public comments and developing a draft policy document. The primary goals for consideration in a draft policy document include:

1. Foster and enhance sustainable, healthy, and diverse recreational/non-commercial fisheries and public access to them.
2. Integrate saltwater recreational/non-commercial considerations throughout NOAA and the federal fisheries management system.
3. Encourage partnership, engagement, and innovation.
4. Enhance transparency, follow-through, and long-term continuity of action. In this crucial period, NOAA Fisheries approached MAFAC and requested their guidance on concepts appropriate for consideration in a draft policy document. MAFAC was specifically asked to consider:

The Recreational Fishing Subcommittee and all MAFAC members were asked to consider the goals (above) and scope proposed and consider if: 1) they were reasonable; 2) any goals are missing; 3) there are any red flags; and 4) if there were any potential impacts that would concern them? The ensuing discussion covered data collection and quality, recreational fishing industries and working waterfronts, and distinctions between different recreational fishing groups or sectors.

ACTION

The following recommendations were presented by the Recreational Subcommittee (Phil Dyskow, Dick Brame, and Liz Hamilton) and approved by MAFAC:

- *MAFAC encourages NOAA to consider developing a separate policy to address any issues removed from the draft policy.*
- *In reference to the Scope of the Policy – The Subcommittee recommends: Removing non-commercial, expense fishing, and subsistence fishing from the National Saltwater Recreational Fisheries Policy and cover only MSA definitions of recreational fishing.*
- *In reference to the Goals of the Policy – The subcommittee recommends:*
    - *Removing the word 'non-commercial' throughout the goals.*
    - *Exploring the idea of a federal licensing or permit program for recreational fishing in federal waters under innovation in draft goal #3.*
    - *Adding a goal to enhance catch, effort, and socio-economic data collection through innovative means, as well as improving their application and use in management. An example might be the consideration of a cellphone based reporting mechanism.*

Aquaculture

NOAA Fisheries Leadership has prioritized the development of a productive and sustainable aquaculture industry and continues to solicit MAFAC input in that process. Dr. Michael Rubino, Director of the Office of Aquaculture, discussed current activities of the Aquaculture Program and made several specific recommendations for MAFAC engagement over the coming year. He specifically highlighted the proposed rule for the Gulf of Mexico Aquaculture Plan, noting it could become a model for other parts of the country.

In order to maintain the high quality of aquaculture recommendations, MAFAC decided to create a new Aquaculture Task Force to access additional expertise and share the already high workload.

ACTION
MAFAC agreed to create a small Aquaculture Task Force (no more than about 8-10 people) to specifically address the following aquaculture-related tasks outlined on the Annotated Agenda provided by NOAA Fisheries:

- *Develop a mock-up description of a commercial, representative aquaculture project of the type NOAA may be asked to permit under the Gulf of Mexico FMP. The project description should provide sufficient detail to allow for testing of the coordinated permitting framework currently being developed by the Regulatory Task Force of the Interagency Working Group on Aquaculture. Goal is to "run" MAFAC's mock project through the draft coordinated permitting process (completion expected in early 2015), and MAFAC can provide feedback and suggestions to the Task Force (Spring 2015).*
- *Review NOAA's progress on implementing the agency's 10-Year Plan for Marine Aquaculture (2007) and provide input on priorities to include in strategic planning for the aquaculture program. (Begin Fall 2014).*

Additionally, MAFAC agreed to develop and submit recommendations on the recently released Proposed Rule for the Gulf of Mexico Aquaculture Plan. Work on the recommendations began when the Commerce Subcommittee met, but was not completed. The Subcommittee reported its progress to the full Committee and its plan of work for the month of October. Members George Nardi, Chair, Dave Wallace, Julie Bonney, Michele Longo Eder met in Subcommittee, along with Ted Ames and John Corbin by telephone. NOAA staff in attendance included Michael Rubino, Susan Bunsick, Bruce Morehead, and Whitney Anderson.

MAFAC supported the direction of the Commerce Subcommittee and agreed to convene by teleconference to discuss and approve the final comments before the October 27th deadline.

Preliminary Commerce Subcommittee Comments and Recommendations

The Subcommittee used its meeting time to clarify key issues that may provide implementation, operational and competitive roadblocks for industry.

In preparation for the meeting the Subcommittee chair received comments from two MAFAC aquaculture representatives that were unable to attend in person as well as written comments from the Coalition of U.S. Seafood Producers (CUSP).
Much of the discussion was focused on clarifying language and understanding the construct of the rule within the framework of MSA. The Subcommittee underlined the areas that need more clarification, more detail, or tightening.

Major points of discussion:

- *Permit time frame and renewal language. Current proposed time frame is 10 years with 5 year renewal blocks. Comments from the aquaculture MAFAC members and CUSP are in agreement that this is too short. We discussed options that would be either a 15-20 year initial time period followed by 10 year renewal periods. A minimal acceptable term may be 10 and 10, IF the renewal language was automatic and not open to council action, provided there is language to support this developed and provided the permit holder was in compliance with permit conditions at the time of renewal. The renewal process language needs to be tightened up and clarified.*
- *Permit fee. The permit fee was discussed and asked if this would be sufficient to cover NOAA staff time. NOAA staff believed this was how the fee was derived.*
- *Culture species must come from a population or sub population of fish where the aquaculture facility is located. There needs to be, again, clarification of the language used as there may be two different populations of the same species that come to the location at different times of the year. If the intent is to avoid the culture of exotics or those populations of the same species that are not found in the Gulf of Mexico that should be stated and referenced. If the broodstock are certified to have come from the Gulf or whose parents have come from the Gulf then that should satisfy the requirement.*
- *Allowable aquaculture species. The rule states: Only the following federally managed species that are native to the Gulf, are not genetically modified or transgenic, may be cultured in an aquaculture facility in the Gulf EEZ. In the preamble common and necessary aquaculture practices would now be considered as GMO, including ploidy, i.e. triploid oysters, selective breeding and the use of hormones commonly used with broodstock to induce spawning. Simply put this is a non-starter as all of agriculture and aquaculture must practice selective breeding to enable growers to select individuals that will yield a stock that is more healthy, reducing dependence on antibiotics, better converters of feed to reduce demand on forage fish and feed and as a result a more competitive industry on a global basis. There must be language that allows for microsatellite marker assisted selective breeding, ploidy and assisted reproductive technologies, such as the use of spawning hormones.*
- *Production caps (MSY, OSY). While this appears to be rather arbitrary and a company wishing to site an operation through this rule if unfamiliar with the MSA would be confused and have to ask why, it is clear that this is here to meet the requirements of MSA. All aquaculture members feel that the cap of 12 million pounds on any one entity, while significant, would be a deterrent to financing. However NOAA staff made it clear that there was language in the rule that would provide a mechanism for increasing this*

number. The felt that the language needs to be more clear that if these thresholds are reached then, assuming no environmental or compliance issues, these caps can move up. For example the overall capacity of 62 million pounds could increase by 50% and all individual entities would therefore raise by the same. Or if after X years the cap is not used the balance may be distributed to allow for one or more growers to expand.

- *Time frame to get gear and fish in the water, currently proposed to be 2 and 3 years respectively. First of all the clock should not start ticking until all permits are in hand. It is presumed that the NOAA permit will be the last one obtained however as we are not certain this would be the case? In addition, it is recommended that these each be increased by a year to 3 and 4 years respectively.*
- *Comment period of draft permit. Once an applicant files a completed application that is accepted by the agency and a permit is drafted it should not go out for public comment as all of the public's comments and applicant's response and final materials should be completed prior to the final draft by the agency.*
- *Minimum distance between operations (sites), proposed to be 1.6 miles. This distance may be influenced if the is data and knowledge is available regarding the currents that would allow a variance, i.e. closer if there were no down-stream effects or further if there were evidence of this.*
- *Exclusive use of the site. Clarify the language as to what may be allowed and what not. It is recommended that this may it be at the discretion of the operator, i.e. trap fishing, eco-tourism, or recreational fishing.*

Other issues that were not discussed (due to time limitation) but were brought to the Chair's attention:

- *Broodstock fishing: the period for broodstock collection must be a window of time to allow for weather and other unforeseen causes that would prevent collection on a specific date. This window is suggested to be one month.*
- *Operational landing of harvest and hours: 72 hours' notice and 6am-6pm window proposed. Recommend a 48 hour window. There should be no time period for landing as this may be dictated by weather and distance to port and other factors such as landing live fish that have to get to market the same day and require a 4am landing to make it to the market.*
- *Size of site to be twice as large as the combined area of the aquaculture system. What was the rational? Is it assumed the site can be larger if requested? This metric will not allow for fallowing if that is the intent. If it is it would be better to provide multiple sites with gear on one site and not on another during the fallow period.*

Subcommittee Recommendation:

- *NOAA provide the MAFAC with the requested language edits, underlined– in some cases it is clarification, more detail or tightening as the case may be in regards to the above comments.*
- *Arrange to meet via conference call to draft a more formal comment letter for submission by the October deadline after we have the response from NOAA.*
- *The Subcommittee will continue with the following after comments are drafted:*
    - *Develop a mock-up description of a commercial, representative aquaculture project of the type NOAA may be asked to permit under the Gulf of Mexico FMP. The project description should provide sufficient detail to allow for testing of the coordinated permitting framework currently being developed by the Regulatory Task Force of the Interagency Working Group on Aquaculture. Goal is to "run" MAFAC's mock project through the draft coordinated permitting process*

(completion expected in early 2015), and MAFAC can provide feedback and suggestions to the Task Force (Spring 2015).

Cost Recovery/Cost Sharing Models

MAFAC has had an interest in the topic of cost recovery and cost sharing over the past few years. Members recognize that increasing demands for more data collection, science, stock assessments, monitoring, and management have not necessarily been matched by budget increases. In this meeting, NOAA Fisheries took the opportunity to provide MAFAC with the necessary background for understanding the theory and practical examples of the economics of cost recovery in fisheries management.

The presentation was made by Dr. Doug Lipton, Senior Scientist for Economics. He noted his goal was to provide a common framework and understanding of the concepts related to cost recovery to inform future discussions. Costs that are usually discussed include research and analysis, management, and enforcement (RME). Specific investments in RME can lead to more industry profits, as well as additional benefits to the nation (protected ecosystems, recreational benefits, seafood for consumers). Who pays for the investment – industry or the public – is a policy question. Traditionally, taxpayers have paid most of the fisheries RME costs, particularly in the US. But in some international examples, more costs are borne by industry (Australia, New Zealand). Many factors come into cost recovery decisions such as determining which costs should be factored in, determining overhead costs, how to assign costs to certain sectors, and how to deal with fluctuating revenues based on landing values.

In general, industry should be willing to pay when they accrue benefits, but in non-catch share fisheries, benefits are dissipated over time in the race to fish. Hence, catch share fisheries tend to be where cost recovery is enacted.

After the presentation, MAFAC and NOAA staff reiterated the need and intention to review cost recovery/cost sharing models and agreed to look more closely at those issues in the 2015. The topic will be led by the Strategic Planning, Budget, and Program Management Subcommittee. It was requested that by late January 2015, staff will prepare and share existing policies and other relevant documents on cost recovery and cost sharing with the Subcommittee and will work with the Subcommittee to clarify key questions that it should address.

Discussion of "overfished" vs "depleted" in the MSA

At its June 2014 meeting, MAFAC had tabled until this meeting its discussion and consideration of a recommendation concerning replacing the term "overfished" with "depleted" during the reauthorization of the Magnuson-Stevens Act. Julie Morris and David Wallace provided the background and rationale of the original recommendation. MAFAC members had been divided on this issue with a minority strongly in favor of changing to "depleted" and the majority favoring no change. This resulted in a recommendation to remain neutral on the word change.

Additionally, the original recommendation was against any proposed changes to the definition of overfished/depleted in Rep Hasting's bill. A definition change was considered significant, requiring new methodologies to determine the threshold for rebuilding, and allowing greater depletion of stocks and subsequent extended and difficult rebuilding programs.

During this meeting's discussion, more members seemed to be in favor of changing "overfished" to "depleted." There was also discussion promoting the use of both terms, as is done by the Atlantic States Marine Fisheries Commission, one referring to lower stocks caused by fishing

(overfished), the other due to other causes (depleted). As before, the various perspectives and insights of the members were shared and discussed. In the end, MAFAC was unable to reach consensus, and the vote to make any recommendation failed.

Meeting Administration and Other Topics

S-K Grants

MAFAC members had requested information regarding the upcoming Saltonstall-Kennedy Grants. Information was shared, and MAFAC requested the opportunity to provide input on the focus and priority-setting of this grant program in the future.

Next Meetings

Potential dates for FY2015 meetings were shared. Dates generally avoid Fishery Management Council or Commission meetings and NOAA Fisheries Leadership Council meetings. Members voiced conflicts with several proposed dates, resulting in the best spring date of April 29 –May 1, 2015. Best fall dates are tentatively October 26 – 30 and November 2-6.

Immediate Next Tasks and Schedule

1. Proposed Rule for the Gulf of Mexico Aquaculture Plan

The Commerce Subcommittee meeting will continue its work to finalize its recommendations on the proposed rule for aquaculture in federal waters of the Gulf of Mexico over the next few weeks. They will be working to expand and clarify the comments drafted to date (see report above).

Comments need to be submitted by October 27, thus a full MAFAC meeting will be scheduled sometime before October 23 to consider/vote on the Commerce Subcommittee's recommendation. A Doodle poll will be arranged to select the best time, and the meeting will be noticed in the Federal Register.

2. Task Forces

Staff will develop a Federal Register notice and general announcement seeking nominations of individuals for the two new Task Forces. Staff will draft terms or reference for each Task Force and organize all submission for MAFAC consideration. The goal will be to hold a MAFAC meeting sometime in early December to finalize the terms of reference and develop a slate of recommended candidates for consideration by the Assistant Administrator of Fisheries.

By early 2015, the Climate and Marine Resources Task Force will be reviewing and commenting on the NOAA Fisheries Climate Science Strategy, and the Aquaculture Task Force will be analyzing the accomplishments of the 10-year Plan for Aquaculture, and identifying future priorities.

[End of Meeting]